

## CHAPTER 12: STATEMENT OF COORDINATION

### Introduction

The Growth Policy does not have sole jurisdiction over all lands within Flathead County; there are multiple planning jurisdictions present throughout the County. Lands under the jurisdiction of the National Forest Service, National Park Service, Salish-Kootenai Confederated Tribes, or cities of Whitefish, Columbia Falls and Kalispell are not subject to the goals and policies of the Flathead County Growth Policy. However, growth in one area of Flathead County has the potential to impact other areas of the valley as people, goods and services move between jurisdictions. It is essential that Flathead County have a plan for coordinating with other jurisdictions on land use issues pertinent to protecting the public health, safety, morals, convenience, order, or general welfare in the process of community development (76-1-106 M.C.A.).

### Goal

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- G.47 Growth and development around Columbia Falls that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.

### Policies

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- P.47.1 Uphold the provisions of the existing interlocal agreement between Flathead County and the City of Columbia Falls.
- P.47.2 Maintain communication on planning issues adjacent to the interlocal agreement boundary.
- P.47.3 Review the provisions of the interlocal agreement for adequacy, accuracy and relevancy annually, and revise as necessary.
- P.47.4 Encourage a statement of coordination on planning issues between the County and Columbia Falls.

### Goal

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- G.48 Growth and development around Kalispell that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.

## **Policies**

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- P.48.1 Work with the City to identify areas around Kalispell appropriate for high density, urban development.
- P.48.2 Share plans for guiding growth away from hazardous and/or unhealthy lands.
- P.48.3 Identify areas most appropriate to be served by Kalispell or county sewer and water services. Share plans for extension of sewer and water facilities to increase the predictability of the community development process.
- P.48.4 Work with the City to identify areas around Kalispell appropriate to preserve through open-space development design incentives or acquisition of land for natural and/or recreation areas.
- P.48.5 Work with the City to identify areas around Kalispell likely to be annexed and appropriate for development to urban density, service and facility standards.
- P.48.6 Discourage urban-density development that lacks urban services *and* facilities.
- P.48.7 Encourage a statement of coordination on planning issues between the County and Kalispell.

## **Goal**

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- G.49<sup>1</sup> Growth and development around Whitefish that respects the cultural, geographic and historic heritage of the city while providing essential facilities and services that protect and preserve the health, safety, and welfare of the natural and human environment.

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<sup>1</sup> As of the date of adoption, the County and the City of Whitefish remain in litigation concerning the authority for regulating land development within the extraterritorial jurisdiction around the City of Whitefish as such jurisdiction is identified in the 2005 and 2010 Interlocal Agreements between the parties. Until the litigation is resolved, other than re-numbering what was Goal 48 to Goal 49, no amendments are being made to the Growth Policy pertaining to the extraterritorial jurisdiction and the language of this goal (G.49) and all accompanying policies (P.49.1 through P.49.4) regarding Whitefish remains the same as it was on 10/20/08 per Resolution #2015H. The County's decision to refrain from enacting amendments should not be interpreted as an endorsement or reaffirmation of the goal and all accompanying policies. Rather, the County is delaying consideration of this goal and the accompanying policies until the litigation is complete.

**Policies**

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- P.49.1 Promote representation by county officials of those residents outside the City of Whitefish, while giving consideration to both the interests of those residents as well as the growth needs of the City of Whitefish during county planning processes.
- P.49.2 Request comments from the City of Whitefish agencies on subdivision, zoning and other land use issues within 2 miles of city limits and give consideration to those comments during the county review process.
- P.49.3 Protect and preserve the many unique opportunities present in the natural and human environment.
- P.49.4 Encourage a statement of coordination on planning issues between the County and Whitefish.

**Goal**

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- G.50 Communication and coordination during the development process, where appropriate, that respects the cultural heritage and jurisdictional integrity of the Flathead Indian Reservation and the Confederated Salish and Kootenai Tribes.

**Policies**

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- P.50.1 Develop an intergovernmental agreement clarifying and codifying all jurisdiction, communication and coordination issues on lands within both the Flathead Indian Reservation and Flathead County as well as tribally-owned lands outside the Flathead Indian Reservation.
- P.50.2 Communicate on development occurring near and/or on lands designated as culturally significant to the Confederated Salish and Kootenai Tribes.
- P.50.3 Provide for cultural clearance of development sites in Flathead County where defined Indian artifacts are uncovered during development, as part of the intergovernmental agreement.

**Goal**

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- G.51 Federal and state land management that considers and respects the custom and culture of Flathead County residents.

## **Policies**

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- P.51.1 Actively participate in the process of planning for federal and state lands, communicating regularly on issues of importance to Flathead County residents and providing input to state and federal agencies on the effectiveness of existing plans.
- P.51.2 Regularly review and update the accuracy and relevance of the “Flathead County Natural Resource Use Plan, Custom and Culture Document.”
- P.51.3 Pursue a “statement of coordination” with state and federal land management agencies, clarifying and codifying relevant jurisdictional issues including, but not limited to, fire response, fuel reduction, emergency services, road usage and access, water resources, timber, agriculture, noxious weeds and recreation access.
- P.51.4 Consider relevant state and federal planning documents when reviewing development proposals that will impact federal or state lands.

## **PART 1: Municipal Jurisdictions (see Goals 47 through 49)**

### **Columbia Falls**

Columbia Falls is a growing community facing many challenges and opportunities in the years ahead. Many changes are occurring adjacent to city limits in areas that culturally and geographically identify with the City of Columbia Falls. It is appropriate that the City of Columbia Falls act to protect the public health, safety, morals, convenience, order, or general welfare in the process of community development (76-1-106 M.C.A.) in these areas. Under authorization by the Interlocal Cooperation Act (7-11-104 M.C.A.), the Flathead County Commissioners signed an interlocal agreement on January 12<sup>th</sup>, 2005, granting the City of Columbia Falls planning jurisdiction over an designated area adjacent to the existing city limits. The interlocal agreement contains provisions for future cooperation, coordination and communication between parties and an annual meeting to review the boundaries of the agreement.

### **Kalispell**

Kalispell continues to be one of the fastest growing communities in Flathead County, having experienced population growth nearing 40% between 2000 and 2010.<sup>2</sup> With a large portion of that growth taking place through annexations, the City of Kalispell is rapidly expanding into formerly rural areas of Flathead County. This transition from rural or suburban to urban land uses has affected both the City of Kalispell and Flathead County. The City of Kalispell’s Annexation Policy (adopted by Resolution No. 5484A on March 7, 2011) offers multiple options for annexation from the County into the City

<sup>2</sup> U.S. Census Bureau, Census 2010 PL 94-171, March 2011; Census 2000 Summary File 1, 2001.

limits. Annexation may occur through the process of direct annexation, a petition of waiver of right to protest annexation, the creation of an annexation district or a City Council directed annexation of a wholly surrounded area. Following annexation, the City may immediately provide urban services such as law enforcement, rapid emergency response, street cleaning, solid waste pickup, public sewer and water facilities, parks, and building safety oversight; however, different annexation options enable a variety of scenarios that may not result in all of these service options being immediately available to an annexed area. While annexation may be a welcome option for County residents interested in urban services and development potential, many residents of Flathead County are not interested in being enveloped so quickly by a rapidly growing city. Conversion to high density residential or commercial land uses results in a variety of impacts and additional needs of residents. Annexing and/or developing lands simply because sewer and water lines can be engineered to reach them does not always serve the health, safety and welfare of both new and existing residents. Over the past decade the City of Kalispell has annexed over 4,000 acres of land,<sup>3</sup> expanding the City's jurisdiction over delivery of public services such as emergency response, police and fire protection, and public water and sewer services; this rapid expansion of service area has the potential to result in a reduced level of service for both new and existing City residents. The City's growth and expansion into areas formerly located within the County's jurisdiction highlights the need for these two jurisdictions to work collaboratively on issues of land use so these impacts may be anticipated and addressed accordingly.

It is essential that the City of Kalispell and Flathead County coordinate and cooperate on issues of growth into rural areas. Some development that occurs under the jurisdiction of Flathead County should meet urban standards to prepare for inevitable annexation. Other development in rural areas should preserve rural character, whether annexed or not, to provide a healthy, natural environment for future generations of city and county residents. Coordination and cooperation between Kalispell and Flathead County would lead to easier identification of lands appropriate for certain types and densities of development, now and in the future.

### **Whitefish<sup>4</sup>**

The City of Whitefish has a unique character and economy based on a history of railroading and tourism. Real estate and construction have emerged as additional drivers of the Whitefish economy. Whitefish is a rapidly expanding municipality with an

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<sup>3</sup> Conversation with and supporting documentation provided by Sean Conrad, Senior Planner, City of Kalispell on 11/22/2011.

<sup>4</sup> As of the date of adoption, the County and the City of Whitefish remain in litigation concerning the authority for regulating land development within the extraterritorial jurisdiction around the City of Whitefish as such jurisdiction is identified in the 2005 and 2010 Interlocal Agreements between the parties. Until the litigation is resolved, no amendments are being made to the Growth Policy pertaining to the extraterritorial jurisdiction and the language of this section regarding Whitefish remains the same as it was on 10/20/08 per Resolution #2015H. The County's decision to refrain from enacting amendments should not be interpreted as an endorsement or reaffirmation of this section. Rather, the County is delaying consideration of this section until the litigation is complete.

economy that depends in part on maintaining the unique “mountain ski resort” character. However, some drivers of the Whitefish economy that are closely linked to the character of the town are located just outside city limits (such as Whitefish Mountain Resort, Lost Coon Lake, Blanchard Lake and many of the lakefront properties on Whitefish Lake). When economic success is inextricably linked to preserving and maintaining the unique character of a municipality and adjacent areas, it is important for county planning and implementation efforts to give consideration to both the municipality’s growth planning as well as the desires of residents within those areas.

During the process of planning for lands adjacent to the City of Whitefish, Flathead County representatives should work with local residents as well as representatives of the City of Whitefish to protect the quality of life of current residents anticipate future growth of the city and accommodate the needs of County government to provide services and facilities.

## **PART 2: Tribal Jurisdictions (see Goal 50)**

The Flathead Indian Reservation contributes approximately 28,296 acres to Flathead County.<sup>5</sup> Approximately 24,315 acres of this total are owned by the Confederated Salish and Kootenai Tribes and are not under the jurisdiction of the Flathead County Growth Policy. Fee lands owned privately by a member of any tribe are not under the jurisdiction of the Flathead County Growth Policy. During the writing of the 2006 Growth Policy, Flathead County Planning and Zoning staff met with planners from the Confederated Salish and Kootenai Tribes. Much of the discussion centered on understanding jurisdictional issues pertaining to tribal lands. It was obvious during that meeting that both Flathead County and the Confederated Salish and Kootenai Tribes would benefit from an intergovernmental agreement codifying jurisdictional issues.

The Confederated Salish and Kootenai Tribes are interested in protecting and preserving their rich heritage, and Flathead County is in a position to aid that interest. Opportunities are available for coordination and cooperation during the development process on issues such as wetlands, floodplains, cultural protection, subdivision, road naming etc. on non-tribal owned lands within the Flathead Indian Reservation and Flathead County. Growing development pressures throughout Flathead County may eventually impact the small percentage of lands held by tribal interests. Given this likelihood, it is better to be prepared with knowledge and understanding rather than wait to address the issues piecemeal as they arise.

## **PART 3: Federal and State Jurisdictions (see Goal 51)**

Federal and state lands contribute a substantial percentage of the overall acreage of Flathead County (see Chapter 2: Land Uses). Land use planning on federal and state lands is the jurisdiction of the federal and state government, respectively. Plans created to manage federal or state lands for the best interest of all citizens have the potential to

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<sup>5</sup> Natural Resources Information System, February 2011. Tribal & BLA land ownership.

impact the local environment and economy in a variety of ways. While residents of one county or area may not dictate management practices on public lands, it is essential that local residents communicate the local consequences of federal and state management practices. Flathead County's role should be to educate federal and state planners and decision makers about local impacts related to land management practices on public lands. Flathead County created a document to fulfill this roll in the summer of 2005 [adopted by Resolution No. 1777C]. Entitled the "Flathead County Natural Resource Use Plan, Custom and Culture Document", this document was written to explain the importance of natural resources to the residents of Flathead County, and was intended to be used by federal and state planners in consideration of local needs. By communicating these local needs, Flathead County can actively protect the public health, safety, morals, convenience, order, or general welfare of its residents, pursuant to 76-1-106 M.C.A. The "Custom and Culture Document" was last amended on February 7<sup>th</sup>, 2008, and continues to undergo review and revision to ensure the plan remains an accurate and relevant portrayal of citizen interests in Flathead County.

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